

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MOSES PERL,

Plaintiff,

v.

RJM ACQUISITIONS FUNDING, LLC

Defendant.

No. 7:12-CV-03949-CS

**ANSWER AND**  
**AFFIRMATIVE DEFENSES**

The defendant, by and through the undersigned counsel, for its Answer to the Complaint herein, hereby denies each and every averment, except as expressly stated below, as follows:

1. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations of this Paragraph 1 and therefore leaves the plaintiff to his proof.

2. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations of this Paragraph 2 and therefore leaves the plaintiff to his proof.

3. Admits that plaintiff is a natural person and otherwise denies knowledge and information as to the truth of the remaining allegations of this Paragraph 3, and therefore leaves the plaintiff to his proof.

4. Admits, but denies that RJM is an “unknown” entity.

5. Denies.

6. Admits.

7. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations of this Paragraph 7 and therefore leaves the plaintiff to his proof.

8. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations of this Paragraph 8 and therefore leaves the plaintiff to his proof.

9. Denies.

10. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations of this Paragraph 10 and therefore leaves the plaintiff to his proof.

11. Defendant repeats and re-alleges the answers to paragraph 1 through 10 of the Complaint as their answer to this Paragraph 11 as though fully set forth herein.

12. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations of this Paragraph 12 and therefore leaves the plaintiff to his proof.

13. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations of this Paragraph 13 and therefore leaves the plaintiff to his proof.

14. Denies as stated and refers to the statute for the content thereof.

15. Denies as stated and refers to the statute for the content thereof.

16. Denies.

17. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations of this Paragraph 17 and therefore leaves the plaintiff to his proof.

18. Denies as stated and refers to the statute for the content thereof.

19. The first sentence of this Paragraph sets forth a legal conclusion that does not require a response. To the extent a response is required, denies and otherwise denies the remaining allegations of this Paragraph 19.

20. Denies.

21. Denies.

22. Denies.

#### **FIRST AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, because the Complaint fails to state a claim upon which relief may be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred to the extent that any violation of the FCRA was unintentional, resulting from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such error.

**THIRD AFFIRMATIVE DEFENSE**

The plaintiff's claims are barred by setoff due to the extent that plaintiff owes amounts to the defendant.

Date: July 13, 2012

THE DEFENDANT,  
RJM ACQUISITIONS FUNDING,

By: \_\_\_\_\_/s/\_\_\_\_\_  
Jonathan D. Elliot

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Its Attorneys.

**CERTIFICATE OF SERVICE**

I hereby certify that on July 13, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system [or by mail to anyone unable to accept electronic filing]. Parties may access this filing through the Court's system.

/s/  
Jonathan D. Elliot